

Notice of Allowability

Application No.

10/774,946

Examiner

Jon A Szumny

Applicant(s)

SENDOWSKI ET AL.

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 7, 2004.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 07 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/7/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

This is the first office action for application number 10/774,946, Hands-Free Wall Mounted Bottle Holder, filed on February 7, 2004.

Information Disclosure Statement

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ilan Sendowski on July 7, 2004.

On page 7, line 5, "patty" has been changed to --putty--;

In line 14, "spread" has been changed to --spread 0.1 to 1 centimeters, preferably--;

On page 8, line 9, "strip's" has been changed to --base's--;

In line 10, "strip's" has been changed to --base's--;

In line 13, "5 centimeters" has been changed to --5 centimeters, and about 0.25 to 0.75 of the base's length--;

In claim 1, line 3, "comprises:" has been changed to --comprising--;

In line 6, "comprises:" has been changed to --comprising--;

In line 9, "connects" has been changed to --connecting--, and "degree angle" has been changed to --degrees--;

In line 10, "remains" has been changed to --which remains--;

In line 14, "slightly" has been changed to --adapted to be--slightly--;

In line 15, "where" has been changed to --wherein--;

In line 16, "width narrows" has been changed to --width adapted to narrow--;

In line 17, "slot extends" has been changed to --slot adapted to extend--;

In line 30, "preferable 30 degrees," has been deleted;

In claim 2, line 1, "claims" has been changed to --claim--;

In line 4, "preferably 90," has been deleted;

In claim 3, line 1, "claims" has been changed to --claim--;

In line 2, "a set of" has been deleted, "rings encompassing" has been changed to --ring(s) adapted to encompass--, and "pulls" has been changed to --pull(s)--;

In claim 4, line 1, "claims" has been changed to --claim--;

In line 2, "a set of" has been changed to --an additional--, "rings encompassing" has been changed to --ring(s) adapted to encompass--, and "pulls" has been changed to --pull(s)--;

In claim 5, line 1, "claims" has been changed to --claim--;

In line 2, "patty" has been changed to --putty--;

In claim 6, line 5, "strip's" has been changed to --base's--;

In line 7, "strip's" has been changed to --base's--;

In claim 10, lines 1-2, "in case... ..of the neck holder," has been changed to
--wherein--

In claim 11, lines 1-2, "in case... ..of the neck holder," has been changed to
--wherein--;

In claim 12, lines 1-2, "in case... ..of a smaller bottle," has been changed to
--wherein--;

In line 3, "the interference created by the-- has been changed to --an
interference created by a--

In line 4, "around the" has been changed to --around a--;

In line 5, "the smaller" has been changed to --a smaller--.

Allowable Subject Matter

Claims 1-12 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art taught many examples of wall mounted bottle holder apparatuses, but failed to specifically teach a wall mounted bottle holder apparatus comprising:

a base, for connecting the apparatus to a flat solid surface;

a tongue, that has a root and a free far end, and the tongue's root is connected to the base, comprising:

- a bottle brace, that starts from the tongue's root, and
- a neck holder, for holding the bottle's neck securely in a locking point, with a first edge connecting to the bottle brace at a base angle of about 90 to 120 degree angle, and a second edge, which is the tongue's free far end, remains unattached; and

- a fastening device, for pulling and holding the bottle's body toward the bottle brace and locking the bottle in the locking point; and

- wherein the neck holder has an open slot at the second edge, extending toward the bottle brace at a width slightly larger than the width of the bottle's neck until the locking point, located at a distance of about half of the bottle's body width from the bottle brace, wherein the open slot width narrows down to less than the width of the bottle's neck, creating two landing points, and the open slot extends toward the bottle brace an additional distance of about half the width of the bottle's neck; and

- wherein the locking point is created by adjusting the base angle and the distance between the landing points such that when the bottle's neck is inserted upside down into the open slot and reaches the landing points, and the bottle's body is pulled toward the bottle brace by the fastening device, the following conditions exist:

- the bottle's body touches the two landing points and turns on a pivot line that connects the two landing points,
- the bottle's head touches the neck holder, and

- the bottle's body has a gap of about 0.5 to 20 millimeters from the bottle brace;
and

a mounting device that connects the base to the flat solid surface such that the bottle's head, at the locking point, is oriented forward and downward 1 to 60 degrees relative to a vertical line, and tilts relative to the vertical line from 60 degrees to the left to 60 degrees to the right.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barnes '403, Fite, Jr. '083, Hogan '353, De Sipio et al. '024, Jones '260, Buras, Jr. '755, Daves '293, Kline '868, Phelps '225, Williamson et al '445, Mok '360, Shelley '260, Chaffin et al '246 and Keicher '490 teach various bottle holding apparatuses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
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July 20, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER